

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**JAMES H. WATSON, AND OTHER
SIMILARLY SITUATION,**

PLAINTIFFS,

VS.

CITY OF ALLEN, ET AL.

DEFENDANTS.

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NO. 4:15-CV-335-A

**DEFENDANT THE CITY OF FRISCO'S
UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE ITS ANSWER OR OTHER RESPONSIVE PLEADING**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, The City of Frisco, Texas ("Frisco"), one of the Defendants in the above-styled and numbered cause, and, pursuant to Federal Rule of Civil Procedure 6(b), files this its Unopposed Motion for Extension of Time to File Its Answer or Other Responsive Pleading, and in support thereof would show the Court:

**I.
INTRODUCTION**

Frisco received a citation and Plaintiff's First Amended Petition in the above-styled and numbered cause on May 7, 2015. These were documents issued by the Tarrant County District Clerk due to the fact that this action was originally filed in

state court and has since been removed by Defendants American Traffic Solutions, Inc. and American Traffic Solutions, LLC. *See* Doc. 1. Frisco learned of this removal and, accordingly, files this motion seeking relief in this Court pursuant to Federal Rules of Civil Procedure. *See Taylor v. Bailey Tool & Mfg. Co.*, 774 F.3d 944, 946-47 (5th Cir. 2014) (Federal rules apply after removal.). In order to allow Frisco's counsel to have appropriate time to evaluate all of the City's defenses to the allegations the Plaintiffs have made against it, as well as confer and coordinate with other Defendants in this matter with similar interests, Frisco requests an extension until July 17, 2015 to file its Answer or other responsive pleading. Defendant City of Frisco made the same request (ECF No. 6) which the Court granted (ECF No. 7).

II.

FRISCO REQUESTS AN EXTENSION UNTIL JULY 17, 2015 TO FILE ITS ANSWER OR RESPONSIVE PLEADING

Federal Rule of Civil Procedure 6(b) permits a court to extend the time to perform an act based upon a good cause standard when a request for such an extension is made before the original time, or its previous extension expires. FED. R. CIV. P. 6(b); *Conn v. United States*, 823 F. Supp. 2d 441, 444 (S.D. Miss. 2011).

Good cause exists herein for the extension of time requested. In this regard, the case at bar includes a vast number of municipalities named as Defendants. Specifically, the Plaintiffs have sued fifty-three (53) cities, several corporate

Defendants, and the State of Texas.¹ It will require time for those governmental entities to be served, retain appropriate counsel, and coordinate any appropriate response such that this Court's resources are not unnecessarily strained through the process of many multiple Defendants acting independently when their interests are equally aligned. Moreover, the Plaintiffs' First Amended Petition raises a cornucopia of issues under the Texas Constitution. Frisco's counsel requires time to evaluate the propriety of such claims and either prepare an answer to the Plaintiff's complaint or, alternative, prepare and properly brief a motion under Rule 12 of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 12(b) ("A motion asserting any of these defenses must be made before pleading if a responsive pleading is allowed."). Simply put, granting the extension of time requested herein will allow the undersigned to fully coordinate and research this matter and file the appropriate responsive pleading or motion to the Plaintiff's live pleading such that a just result is obtained.

Further, the Plaintiffs will not be prejudiced by the sought delay. Plaintiffs have sued a vast number of Defendants and are attempting to bring this claim as a class action. *See* Doc. 1. The delay requested by Frisco will have no impact on the deadlines applicable to the many other Defendants to this action. Further, this Court's grant of same will not delay the issuance of its Status Report Order pursuant to the

¹ *See* Plaintiffs' First Amended Petition, pp. 1-2.

Specific Requirements of this Court. *See* Specific Requirements of the Honorable Judge John H. McBride at I(B), *available at* <http://www.txnd.uscourts.gov>. In this regard, Frisco does not anticipate that its delay in filing its Answer or other responsive pleading will delay the issuance of said Order or the deadline for complying therewith.

For the reasons heretofore discussed, the request for the extension made herein is not for purposes of delay and is made in good faith.

III.

CERTIFICATE OF CONFERENCE

In compliance with Local Rule 7.1 on May 22, 2015 the undersigned personally conferred with counsel for the Plaintiff, Russell J. Bowman, who has indicated that he is not opposed to the granting of this Motion which is being presented to the Court for determination.

IV.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant The City of Frisco, Texas prays that its Unopposed Motion for Extension of Time be granted and that the date for it to file its Answer or other responsive pleading be extended up to and including July 17, 2015.

Respectfully submitted,



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CERTIFICATE OF SERVICE

On May 22, 2015, I submitted the foregoing document, Notice of Appearance, to the clerk of the court for the U. S. District Court, Northern District of Texas. The Clerk's office then transmits paper filings to the parties by ECF. Delivery of the notice of electronic filing that is automatically generated by ECF constitutes service under Fed. R. Civ. P. 5(b)(2)(E) and 5(b)(3) and Local Rule 5.1(d). In addition, the document has been served by mail and email as shown below.

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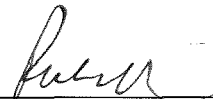
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